

Page 39

1 A I really don't know why that is. That's not to say they
 2 weren't, but I can't say specifically why you weren't able to
 3 have -- why there were not such copies of correspondence.
 4 Q Would you think that there should have been some documents
 5 that would indicate correspondence between yourself and the
 6 Legal Department regarding this particular document?
 7 A I would think that there would have been some correspondence.
 8 Q Would that have been, in 1993, in the form of a memorandum or
 9 an e-mail?
 10 A It could have been either.
 11 Q Do you have any knowledge as to how Steelcase keeps credit
 12 file records? In other words, do you have a credit file for
 13 each dealership?
 14 A Yes, we do.
 15 Q Do you keep everything in one file with regard to that
 16 dealership and the credit for that dealership, or do you
 17 split it up into correspondence and into some other --
 18 A Usually the credit -- well, the credit files are separated by
 19 sections, where we have a legal documents section, we have a
 20 section for correspondence, we have a section for financial
 21 statements.
 22 Q So it's three sections; correspondence, legal documents and
 23 financial statements?
 24 A Basically, yes.
 25 Q Do you make hard copies of all your e-mails?

Page 40

1 A Well, not all of them. It depends upon the importance of the
 2 e-mail as to whether or not we would print a copy of it or
 3 not.
 4 Q So that's just sort of done randomly based on somebody's
 5 decision that this is important, I'm going to make a hard
 6 copy of it?
 7 A Yes.
 8 Q And if somebody just didn't either think it was important or
 9 just didn't get around to making a hard copy of it, the file
 10 wouldn't reflect the e-mail exchange; is that right?
 11 A I guess I wouldn't characterize it as being something that
 12 someone would think not important, you know. It's something
 13 that could have gotten misfiled. There could be other
 14 reasons why there's no record of that.
 15 Q Do you know if there is e-mail information, whether you keep
 16 a record of the e-mail exchanges, an electronic record that
 17 is hard copied?
 18 MR. MARCH: Object for lack of foundation. You may
 19 answer.
 20 THE WITNESS: Are you asking me, specifically?
 21 BY MR. SMITH:
 22 Q Yeah.
 23 A Just in general, or pertaining to this situation?
 24 Q Pertaining to this, or any situation in the Credit
 25 Department, if you keep electronic records of e-mail

Page 41

1 exchanges.
 2 MR. MARCH: Same objection.
 3 BY MR. SMITH:
 4 Q Back in 1993, which is what we're talking about now.
 5 A You know, we have different systems today than we had then.
 6 I can't recall in '93 if we had the capability to do that or
 7 not.
 8 Q Probably changed all the computers by this time; is that
 9 right?
 10 A I'm quite sure we -- well, obviously, we do have different
 11 equipment today than we had then.
 12 (Exhibit 10 marked for identification.)
 13 Q These got a little out of place.
 14 (Exhibit 11 marked for identification.)
 15 Q Mr. James, I've handed you a copy of Exhibit Number 11, and
 16 briefly, would you review that and compare it with Exhibit
 17 Number 9, and then describe it for me as best you can.
 18 A From all indications, it's the same document as Exhibit
 19 Number 9, with the exception of the purchase order numbers
 20 are different.
 21 Q Do you have any independent recollection of this particular
 22 exhibit?
 23 A No, not at this time, other than just seeing it here.
 24 Q Exhibit Number 9, would it be fair to say that that was
 25 executed by the Harbins on June 10, 1993?

Page 42

1 A Exhibit Number? I'm sorry.
 2 Q Exhibit Number 9.
 3 A Number 9? It shows executed June 10, 1993.
 4 Q And Exhibit Number 11 was executed on August 4, 1993; is that
 5 correct?
 6 A That's correct.
 7 Q And Exhibit Number 11 references a completely different set
 8 of purchase orders than Exhibit Number 9; is that right?
 9 A That's correct.
 10 Q As you sit here today, can you recall why this second
 11 guaranty was requested?
 12 A It would have been a case where these were different
 13 shipments that we're making at a different point in time.
 14 Q And is it correct that you had Exhibit Number 9 executed
 15 because you were concerned about getting paid and you wanted
 16 to make sure that you had a personal guaranty for those
 17 specific purchase orders?
 18 A Yes.
 19 Q And would the same be true with Exhibit Number 11?
 20 A The same would be true.
 21 (Exhibit 12 marked for identification.)
 22 Q I show you what's been marked as Exhibit Number 12 and ask
 23 you if you could identify that.
 24 A This is an individual guaranty.
 25 Q And what's the date at the top of that document?

12 (Pages 39 to 42)